

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. On December 1, 1999, the petitioner became eligible for SSI benefits of \$557.66 a month. Effective that date the Department reduced the family's ANFC benefits to \$640 a month for a family of four because the petitioner's needs and income

could no longer be included in the ANFC grant because of her receipt of SSI.

3. As of December 1, 1999, the Department also reduced the family's Food Stamps to \$203 a month for a family of five because of the overall increase in income coming into the household.

4. In calculating the amount of the family's Food Stamps the Department allowed as a deduction from income the maximum "standard utility expense" of \$336 a month. This was based on the Department's determination that because the family's actual utility expenses were between \$110 and \$130 a month they would be better off using the standard deduction allowed in the regulations rather than their actual expenses.

5. At the hearing in this matter, held on January 13, 2000, the petitioner alleged that her monthly utility expenses were in excess of the standard allowed by the Department. However, she produced no bills or other records from her utility providers to support this contention. The Department represented that it based its determination of the petitioner's actual expenses on information provided by the petitioner's

utility providers that it obtained in its capacity as the vendor payers of the petitioner's utility bills.¹

ORDER

The Department's decision is affirmed.

REASONS

The petitioner's SSI benefits and the remaining family member's ANFC benefits must be considered and counted as unearned income when eligibility for Food Stamps is determined. F.S.M. § 273.9(b)(2)(ii). Net income for the household is determined by allowing certain deductions from gross income pursuant to the regulations at F.S.M. § 273.9(d)(1-8).

Deductions applicable here can be summarized as follows:

- (1) A \$134 standardized deduction available to everyone.
- (2) A deduction for shelter expenses which are in excess of 50 percent of the household's income after (1), above, is deducted. Shelter expenses include the cost of mortgage or rent payments (including lot rent), property taxes, insurance payments on the dwelling, heating and cooking fuel, cooling, electricity, sewerage, garbage and trash collection, and basic telephone service.

See P-2590A

¹ The Department agreed, however, that if the petitioner could verify that her actual utility expenses are higher than the standard, it will adjust the family's Food Stamps accordingly.

The petitioner was given the standard \$134 deduction in this case which brought her countable adjusted income to \$1063.66 per month. Her shelter expenses were then considered, and she received a credit for the amount of expenses she has that are in excess of fifty percent of her family's income. This was calculated as follows:

The petitioner was deemed to have a \$586 per month shelter expense which figure was arrived at by adding her rent (\$250) to a standardized fuel and utilities figure of \$336 per month, which the Department has adopted in its procedures at P-2590 (A)(5). That \$586 amount was compared to half of her countable income, \$531.83 per month, to see how much more than half of her income the petitioner was required to spend for her housing. In this case the difference between \$586 and \$531.83, or \$54.17, was calculated as the "excess" shelter cost which she could further deduct from her income for a total countable Food Stamp income of \$1,009.49 per month (\$1063.66 minus \$54.17). That amount entitles the petitioner to \$203 in Food Stamps under the coupon allotment table for a five-person household. P-2590 D.

Inasmuch as the Department's decision in this matter is in accord with the applicable regulations and the available information regarding the petitioner's income and expenses, it

must be upheld by the Board. 3 V.S.A. § 3091(d) and Fair Hearing Rule 17.

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